

1 HOUSE BILL NO. 30

2 INTRODUCED BY WILMER

3 BY REQUEST OF THE STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR YOUTH ELECTION JUDGES; ESTABLISHING
6 CRITERIA FOR SCHOOLELECTIONJUDGESAND YOUTH ELECTION JUDGES; ESTABLISHING LIMITS ON
7 THE NUMBER OF YOUTH ELECTION JUDGES AT POLLING PLACES AND ON COUNTING BOARDS AND
8 SPECIAL ABSENTEE ELECTION BOARDS; AMENDING SECTIONS 13-1-101, 13-4-101, 13-4-102, 13-4-107,
9 13-13-226, 13-15-112, AND 20-20-203, MCA; AND PROVIDING AN EFFECTIVE DATE."

10
11 WHEREAS, County Clerks and Recorders face increasing difficulties in recruiting qualified registered
12 electors to serve as election judges; and

13 WHEREAS, observing and participating in the administration of elections provides young people with
14 valuable lessons on the importance of the elections process; and

15 WHEREAS, young people who are actively involved in the election process may be more likely to
16 continue participating in that process when they are eligible to vote.

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19
20 **Section 1.** Section 13-1-101, MCA, is amended to read:

21 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following
22 definitions apply:

23 (1) "Active elector" means an elector who voted in the previous federal general election and whose name
24 is on the active list.

25 (2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

26 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that
27 is ordinarily not given away free but is purchased.

28 (4) "Application for voter registration" means a voter registration form prescribed by the secretary of state
29 that is completed and signed by an elector, submitted to the election administrator, and contains voter registration
30 information subject to verification as provided by law.

(5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

(6) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

(7) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residences for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees; or

(iv) filing fees paid by the candidate.

(8) "Election" means a general, regular, special, or primary election held pursuant to the requirements

1 of state law, regardless of the time or purpose.

2 (9) "Election administrator" means the county clerk and recorder or the individual designated by a county
3 governing body to be responsible for all election administration duties, except that with regard to school elections,
4 the term means the school district clerk.

5 (10) "Elector" means an individual qualified to vote under state law.

6 (11) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift
7 of money or anything of value made for the purpose of influencing the results of an election.

8 (b) "Expenditure" does not mean:

9 (i) services, food, or lodging provided in a manner that they are not contributions ~~under subsection (7)~~;

10 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or
11 personal necessities for the candidate and the candidate's family;

12 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
13 broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

14 (iv) the cost of any communication by any membership organization or corporation to its members or
15 stockholders or employees.

16 (12) "Federal election" means a general or primary election in which an elector may vote for individuals
17 for the office of president of the United States or for the United States congress.

18 (13) "General election" or "regular election" means an election held for the election of public officers
19 throughout the state at times specified by law, including elections for officers of political subdivisions when the
20 time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues
21 required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the
22 legislature to the electors at a general election, "general election" means an election held at the time provided
23 in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted
24 as a constitutional initiative at a regular election, regular election means an election held at the time provided in
25 13-1-104(1).

26 (14) "Inactive elector" means an individual who failed to vote in the preceding federal general election
27 and whose name was placed on an inactive list pursuant to 13-2-220.

28 (15) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220.

29 (16) "Individual" means a human being.

30 (17) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval

1 or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall
2 questions, school levy questions, bond issue questions, or a ballot question.

3 (b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the
4 proper official that the legal procedure necessary for its qualification and placement upon the ballot has been
5 completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the
6 secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

7 (18) "Legally registered elector" means an individual whose application for voter registration was
8 accepted, processed, and verified as provided by law.

9 (19) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee,
10 club, union, or other organization or group of individuals or a candidate ~~as defined in subsection (6).~~

11 (20) "Political committee" means a combination of two or more individuals or a person other than an
12 individual who makes a contribution or expenditure:

13 (a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a
14 petition for nomination; or

15 (b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

16 (c) as an earmarked contribution.

17 (21) "Political subdivision" means a county, consolidated municipal-county government, municipality,
18 special district, or any other unit of government, except school districts, having authority to hold an election for
19 officers or on a ballot issue.

20 (22) "Primary" or "primary election" means an election held throughout the state to nominate candidates
21 for public office at times specified by law, including nominations of candidates for offices of political subdivisions
22 when the time for nominations is set on the same date for all similar subdivisions in the state.

23 (23) "Provisional ballot" means a ballot cast by an elector whose identity and eligibility to vote have not
24 been verified as provided by law.

25 (24) "Provisionally registered elector" means an individual whose application for voter registration was
26 accepted but whose eligibility has not yet been verified as provided by law.

27 (25) "Public office" means a state, county, municipal, school, or other district office that is filled by the
28 people at an election.

29 (26) "Registrar" means the county election administrator and any regularly appointed deputy or assistant
30 election administrator.

(27) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

(28) "Statewide voter registration list" means the voter registration list established and maintained pursuant to 13-2-107 and 13-2-108.

(29) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an elector to transfer the elector's registration when the elector's residence address has changed within the county.

(30) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in 13-15-206.

(31) "Voting system" or "system" means any machine, device, technology, or equipment used to automatically record, tabulate, or process the vote of an elector cast on a paper ballot.

(32) "Youth election judge" means an individual who is:

(a) at least 16 years of age but less than 18 years of age at the time of an election;

(b) a resident of the state of Montana and of the county in which the individual serves as an election judge; and

(c) a citizen of the United States."

Section 2. Section 13-4-101, MCA, is amended to read:

"13-4-101. Appointment of election judges. (1) At least 30 days before the primary election in even-numbered years, the county governing body shall appoint three or more election judges for each precinct, one of whom must be designated chief judge.

(2) A youth election judge may not serve as the chief election judge."

Section 3. Section 13-4-102, MCA, is amended to read:

"13-4-102. Manner of choosing election judges. (1) Subject to 13-4-107, election judges must be chosen from:

(a) lists of qualified registered electors for each precinct in the county, submitted at least 45 days before the primary election in even-numbered years by the county central committees of the political parties eligible to nominate candidates in the primary; or

(b) lists of youth election judges that are maintained by the election administrator and, when possible,

1 developed in cooperation with local school districts and home school organizations.

2 (2) The list of election judges submitted by each party may contain more names than the number of
3 election judges to be appointed. The names of those not appointed as election judges must be given to the
4 election administrator for use in making appointments to fill vacancies.

5 (3) Each board of election judges must include judges representing all parties that have submitted lists
6 as provided in subsection (1). No more than the number of election judges needed to obtain a simple majority
7 may be appointed from the list of one political party in each precinct. If any of the political parties entitled to do
8 so fail to submit a list, the governing body shall, ~~insofar as~~ to the extent possible, appoint judges so that all parties
9 eligible to participate in the primary are represented on each board.

10 (4) The election administrator shall make appointments to fill vacancies from the list provided for in
11 subsection (2) or from the list of youth election judges. If the ~~list is~~ lists are insufficient or if one or more of the
12 eligible political parties fails to submit a list, the election administrator may randomly select, either by manual
13 drawing or by computer, sufficient qualified registered electors or youth election judges in the county to fill election
14 judge vacancies in all precincts.

15 (5) The number of youth election judges assigned to a precinct may not exceed the number of election
16 judges who are qualified registered electors assigned to the precinct.

17 ~~(5)(6)~~ An elector individual chosen to potentially serve as an election judge must be notified of selection
18 at least 30 days before the primary election in even-numbered years. Each ~~elector~~ individual who agrees to serve
19 as an election judge shall attend a training class conducted under 13-4-203 and shall continue to serve as
20 provided in 13-4-103."

21

22 **Section 4.** Section 13-4-107, MCA, is amended to read:

23 **"13-4-107. Qualifications of election judges.** (1) Election judges ~~shall~~ must be:

24 (a) registered electors of the county and of the precinct in which they serve, except as provided in
25 13-4-102(4); or

26 (b) youth election judges.

27 (2) AN INDIVIDUAL SEEKING APPOINTMENT AS A YOUTH ELECTION JUDGE MUST HAVE:

28 (A) WRITTEN CONSENT OF A PARENT; AND

29 (B) IF THE INDIVIDUAL IS A STUDENT, WRITTEN CONSENT FROM THE INDIVIDUAL'S SCHOOL PRINCIPAL.

30 ~~(2)(3)~~ (a) No In an election precinct where a candidate's name appears on the ballot, an election judge

1 may not be;

2 (i) a the candidate or a spouse;

3 (ii) an ascendant, descendant, brother, or sister of a the candidate or a candidate's spouse; or

4 (iii) the spouse of any of these in an election precinct where the candidate's name appears on the ballot
 5 the candidate or any of the individuals listed in subsection (2)(a)(ii) (3)(A)(II).

6 ~~(3)(4) However, this does~~ The provisions of subsection (2) (3) do not apply to candidates for precinct
 7 offices."

8

9 **Section 5.** Section 13-13-226, MCA, is amended to read:

10 **"13-13-226. Manner of selection.** (1) The election administrator shall make appointments to the special
 11 absentee election board from lists of qualified electors and youth election judges prepared in substantially the
 12 same manner as provided in 13-4-102. If the ~~list is~~ lists are insufficient to make all the appointments required,
 13 the election administrator may appoint any qualified registered elector from the county. The election administrator
 14 may refuse for cause to appoint or may for cause remove a member of a special absentee election board.

15 (2) The number of youth election judges serving on the special absentee election board may not exceed
 16 the number of qualified electors serving on the board."

17

18 **Section 6.** Section 13-15-112, MCA, is amended to read:

19 **"13-15-112. Appointment of counting boards.** (1) To count votes in any election under this title, when
 20 election judges are appointed under 13-4-101, each county's governing body shall designate three of the election
 21 judges to act as a counting board. The governing body may also designate three of the election judges to act as
 22 an absentee ballot counting board under 13-15-104.

23 (2) The number of youth election judges serving on a counting board may not exceed the number of
 24 qualified electors serving on the board."

25

26 **NEW SECTION. Section 7. Election judges -- qualifications -- training.** (1) Election judges must be:

27 (a) qualified registered electors of the school district in which they serve; or

28 (b) youth election judges, as defined in 13-1-101, WHO MEET THE REQUIREMENTS OF 13-4-107.

29 (2) In an election precinct where a candidate's name appears on the ballot, an election judge may not
 30 be:

- 1 (a) the candidate;
- 2 (b) an ascendant, descendant, brother, or sister of the candidate; or
- 3 (c) the spouse of the candidate or of any of the individuals listed in subsection (2)(b).
- 4 (3) School election judges must meet the training and certification requirements of 13-4-203.

5

6 **Section 8.** Section 20-20-203, MCA, is amended to read:

7 **"20-20-203. Resolution for poll hours, polling places, and judges.** (1) At the trustee meeting when

8 a school election is called, the trustees shall:

9 (a) except as provided in 20-20-106(3), establish the time at which the polls are to open if in their

10 discretion they determine that the polls ~~shall~~ will be open before noon;

11 (b) establish the polling places for ~~such the~~ the election, using the established polling places for general

12 elections within the district wherever possible;

13 (c) appoint, from among the qualified electors and youth election judges of the district, at least three

14 judges for each polling place for ~~such the~~ the election and notify each judge of ~~such the~~ the appointment ~~not~~ no less than

15 10 days before the election.

16 (2) The number of youth election judges assigned to a polling place may not exceed the number of

17 election judges who are qualified registered electors assigned to the polling place.

18 (3) A youth election judge may not serve as the chief election judge at any polling place.

19 ~~(2)~~(4) There ~~shall~~ must be one polling place in each district unless the trustees establish additional

20 polling places. If more than one polling place is established, the trustees shall define the boundaries for each

21 polling place, and ~~such the~~ the trustee-defined polling place boundaries ~~shall~~ must be coterminous with county

22 precinct boundaries existing within a district. If the site of a polling place is changed from the polling place site

23 used for the last preceding school election, special reference to the changed site of the polling place ~~shall~~ must

24 be included in the notice for ~~such the~~ the election."

25

26 NEW SECTION. Section 9. Codification instruction. [Section 7] is intended to be codified as an

27 integral part of Title 20, chapter 20, part 1, and the provisions of Title 20, chapter 20, apply to [section 7].

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29 NEW SECTION. Section 10. Effective date. [This act] is effective July 1, 2009.

30 - END -